

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Barry H. Schwab et al.

Application No.: 09/877,597

Confirmation No.: 1591

Filed: June 8, 2001

Art Unit: 2153

For: SYSTEM FOR TRANSFERRING DESKTOP
COMPUTER CONFIGURATION

Examiner: L. R. Nash

APPELLANTS' REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This reply brief is being submitted in response to new issues raised by the Examiner in the Examiner's Answer mailed February 6, 2008.

On page 8 of the Examiner's Answer, under the section "Response to Argument," the Examiner sets forth three contentions purportedly advanced by Appellant (I, II, and III). Appellant does not know where the Examiner has come up with these points of argument. Appellant's arguments are much more specific. Appellant is arguing that Kamper neither teaches nor suggests limitations such as "recording, on a transportable data storage medium, unique information relating to a particular user's configuration preferences, including information relating to the user's preferred desktop graphical user interface ..." (emphasis added). It is not as simple as just "user data" or "a particular graphical user interface," as suggested by the Examiner. Kamper does, in fact, *teach away* from storing additional types of configuration data specific to user preferences, since Kamper is entirely silent on such preferences. The whole point of Kamper, as discussed by Appellants of record, is network configuration, such that "user data" would be unnecessary and superfluous. This is precisely how the reference teaches away from this additional data which the Examiner finds obvious to

include. As such, the prior art does “discourage the claim solution.” *In re Fulton*, 391 F.3d 1195, 1201; 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

The Examiner’s argument, on page 11 of the Examiner’s answer, is that the Kamper/McGlothlin combination would increase “ease of use.” Apart from there being no evidence in support of this statement, “ease of use” is so general and nebulous that firm conclusions cannot be drawn from such a term. What does “ease of use” mean? Certainly given Kamper additional information to store on a transportable storage medium which is unrelated to network configuration, would not make the Kamper apparatus more “easy to use,” since the “user data” suggested by the Examiner would not be useful in the Kamper apparatus. Accordingly, *prima facie* obviousness has not been established.

With regard to claim 11, the Examiner states that claim 11 does not recite automatic reconfiguration of a computer device based on updated user files. Appellants respectfully disagree. It must be kept in mind that dependent claim 11 carries with it all of the limitations of independent claim 1 from which claim 11 depends. Claim 1 sets forth the step of “at least temporarily configuring the second computer in accordance with the information stored on a transportable medium.” Claim 11 adds to claim 1 the limitation that “user files stored on the storage medium are updated in accordance with a use of a second computer.” Clearly this updating needs to be “information stored on the transportable medium,” such that it is this information which has been updated that is used in at least temporarily configuring the second computer.

Based upon the above comments and those already made of record, Appellants urge the Board to reverse the Examiner’s finding and allow this case to issue.

Dated: April 7, 2008

Respectfully submitted,

By 

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